

86TH CONGRESS
1ST SESSION

S. 658

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1959

Mr. JAVITS (for himself and Mr. KEATING) introduced the following bill; which
was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To establish a code of ethics for the executive and legislative
branches of the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **DECLARATION OF POLICY**

4 **SECTION 1.** One of the most vital concerns of a free
5 representative government is the maintenance of moral and
6 ethical standards which are above cause for reproach and
7 which warrant the confidence of the people. These stand-
8 ards must be practical; government is and should be fairly
9 representative of the people who elect it. The people are
10 entitled to expect from their public servants a standard above
11 that of the market place, for such public servants are en-

1 trusted with the welfare of the Nation. Some conflicts of
2 interest are clearly wrong and should be proscribed by
3 sanctions in the criminal law. Some are composed of such
4 diverse circumstances, events, and intangible and indirect
5 concerns that only the individual conscience can ever serve
6 as a practical guide. But there are many possibilities of
7 conflict lying in that shadowland of conduct for which
8 guidance would be useful and healthy, but for which the
9 criminal law is neither suited nor suitable. For matters of
10 such complexity and close distinctions the Congress finds
11 that a code of ethics is desirable for the guidance and pro-
12 tection of Federal officers and employees, setting forth in
13 general terms the standards of conduct reasonably to be
14 expected of them.

15 GENERAL RULE

16 SEC. 2. No public officer or employee should have any
17 interest, financial or otherwise, direct or indirect, or engage
18 in any business, transaction, or professional activity, or incur
19 any obligation of any nature whether financial or moral,
20 which is in substantial conflict with the proper discharge of
21 his duties in the public interest; nor should any public officer
22 or employee give substantial and reasonable cause to the
23 public to believe that he is acting in breach of his public
24 trust.

SPECIFIC STANDARDS

2 SEC. 3. In addition to the general rule set forth in
3 section 2, the following specific standards are hereby
4 established:

(a) No officer or employee of the executive branch of the Government, Member of Congress, or officer or employee of the legislative branch of the Government should accept other employment which will tend to impair his independence of judgment in the exercise of his official duties.

(b) No officer or employee of the executive branch of the Government, Member of Congress, or officer or employee of the legislative branch of the Government should accept employment or engage in any business or professional activity which will tend to involve his disclosure or use of confidential information which he has gained by reason of his official position or authority.

(c) No officer or employee of the executive branch of the Government, Member of Congress, or officer or employee of the legislative branch of the Government should disclose confidential information acquired by him in the course of his official duties or use such information for other than official purposes.

(d) No officer or employee of the executive branch of the Government, Member of Congress, or officer or employee

1 of the legislative branch of the Government should use or
2 attempt to use his official position to secure unwarranted
3 privileges or exemptions for himself or others.

4 (e) No officer or employee of the executive branch of
5 the Government should engage in any transaction as repre-
6 sentative or agent of the United States with any business
7 entity in which he has a direct or indirect financial interest
8 that might reasonably tend to conflict with the proper dis-
9 charge of his official duties.

10 (f) An officer or employee of the executive branch of
11 the Government, Member of Congress, or officer or employee
12 of the legislative branch of the Government should not by
13 his conduct give reasonable cause for belief that any person
14 can improperly influence him or unduly enjoy his favor in
15 the performance of his official duties, or that he is affected by
16 the kinship, rank, position, or influence of any person or
17 political party.

18 (g) An officer or employee of the executive branch of
19 the Government should abstain from making personal invest-
20 ments in enterprises which he has reason to believe may be
21 directly involved in decisions to be made by him or which
22 will otherwise create substantial conflict between his official
23 duty and his personal interest.

24 (h) An officer or employee of the executive branch of
25 the Government, Member of Congress, or officer or employee

1 of the legislative branch of the Government should endeavor
2 to pursue a course of conduct which will not give reasonable
3 cause for belief that he is likely to violate his trust.

4 (i) No officer or employee of the executive branch of
5 the Government employed on a full-time basis, nor any firm
6 or association of which an officer or employee is a member,
7 nor corporation a substantial portion of the stock of which is
8 owned or controlled directly or indirectly by such officer or
9 employee, should sell goods or services to any person, firm,
10 corporation, or association which is licensed or whose rates
11 are fixed by a Federal agency in which such officer or em-
12 ployee serves or is employed.

13 (j) Any officer or employee of the executive branch
14 of the Government, Member of Congress, or officer or em-
15 ployee of the legislative branch of the Government having
16 a financial interest, direct or indirect, having a value of
17 \$10,000 or more, in any activity which is subject to the
18 jurisdiction of a regulatory agency, should file with the
19 Comptroller General a statement setting forth the nature of
20 such interest in such reasonable detail, and in accordance
21 with such regulations as shall be prescribed by the Comp-
22 troller General. As used herein, the term "regulatory
23 agency" shall include such agencies as shall be designated
24 by the Comptroller General, which list shall be published
25 in the Federal Register as soon as practicable.

VIOLATIONS

1
2 SEC. 4. The Attorney General shall receive complaints
3 concerning violations of this Act by officers and employees
4 of the executive branch of the Government and he may
5 render advisory opinions with respect to the alleged vio-
6 lations under such procedures as he shall determine. He
7 may also refer such complaints or such requests for opinion
8 to the Public Advisory Committee on Ethical Standards,
9 appointed in accordance with section 6 of this Act. He
10 may report his own findings and recommendations, or those
11 of the Advisory Committee which he adopts and approves,
12 to the officer or agency having the power of removal or
13 other discipline over the officer or employee involved in
14 the complaint.

CIVIL ACTIONS

15
16 SEC. 5. The Attorney General may cause civil actions
17 to be instituted in the appropriate United States district court
18 for the recovery of money or property received or expended
19 by any officer or employee in the executive branch of the
20 Government in violation of any law or regulation concerning
21 breach of his public trust in the performance of his official
22 duties, and the district courts of the United States shall have
23 jurisdiction of any proceedings so instituted.

1 PUBLIC ADVISORY COMMITTEE ON ETHICAL STANDARDS

2 SEC. 6. (a) The Attorney General is hereby author-
3 ized and empowered to establish a Public Advisory Com-
4 mittee on Ethical Standards insofar as they apply to officers
5 and employees of the executive branch of the Government.

6 (b) The Advisory Committee shall, but only at the
7 request of the Attorney General—

8 (1) consider any complaints concerning violations
9 of this Act by or involving officers and employees of
10 the executive branch of the Government, make de-
11 terminations thereon, and report its recommendations
12 to the Attorney General;

13 (2) render to the Attorney General an advisory
14 opinion as to whether the facts and circumstances in a
15 particular case, concerning any such officer or employee
16 of a Federal agency, may constitute a violation of this
17 Act;

18 (3) advise and assist any Federal agency in estab-
19 lishing rules and regulations relating to possible con-
20 flicts between private interests and official duties of
21 present or former officers and employees; and

22 (4) make recommendations for revisions in the
23 code of ethics and other legislation relating to the con-
24 duct of officers and employees of the United States in
25 the performance of their official duties.

- 1 (c) The Advisory Committee shall have no executive,
- 2 administrative, or appointive duties. Each member shall
- 3 serve without compensation but shall be reimbursed for
- 4 expenses actually and necessarily incurred by him in the
- 5 performance of his official duties.

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